

REMARKS

Status

This Amendment is responsive to the Office Action dated August 24, 2006, in which Claims 1-53 were rejected. No claims have been canceled; Claim 1 has been amended; and no new claims have been added. Accordingly, Claims 1-53 are pending in the application, and are presented for reconsideration and allowance.

Claim Rejection - 35 USC 101

Paragraph 3 of the Office Action indicates that the claimed invention is rejected as being directed to non-statutory subject matter. This rejection is respectfully traversed.

35 USC 101 states that "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title". The burden is on the USPTO to set forth a prima facie case of unpatentability. Therefore, the Examiner must provide an explanation as to why the Examiner believes that the claimed subject matter falls outside all of the statutory categories. Applicants submit that the Examiner has not provided such an explanation.

Claims 1-53 are directed to a method of producing a multimedia media. As such, the claimed invention is directed to a statutory subject matter of a process and/or manufacture. Further, the claimed invention is useful and accomplishes a practical application. For example, the invention claimed in all the independent claims (Claims 1, 11, 21, 22, 32, 33, 43, and 53) includes the steps of (1) generating an order request for a multimedia media and (2) transmitting or fulfilling the order request. As such, the claimed invention produces a useful, concrete and tangible result.

Accordingly, the invention is directed to statutory subject matter, and withdrawal of this rejection is respectfully requested.

Claim Rejection - 35 USC 103

Claims 1-53 stand rejected under 35 USC 103 as being unpatentable over US Application No. 2002/0087622 (*Anderson*) in view of US Patent No. 6,646,754 (*Redd*). This rejection is respectfully traversed.

It is noted that Claim 1 has been amended to correct a clerical matter, and has not been amended to overcome the rejection.

The present invention is not obvious from the cited references since features of the present invention are not disclosed or taught by the cited references.

Anderson is not directed to producing a multimedia media. *Anderson* is merely browsing the internet for images to view. As described in Paragraphs [0017] and [0051], *Anderson* is looking at individual images. Accordingly, *Anderson* does not teach or disclose the feature claimed in amended Claim 1 of using a software program at a first location to select and arrange a plurality of digital images in a user-identified order to produce a multimedia composition comprised of the plurality of digital images and having textual and audio content. There is no discussion in *Anderson* of a user selecting and arranging images – in a particular order – to compose a multimedia composition since *Anderson* is merely looking at individual images.

Nor does *Redd* disclose this feature. *Redd* shows in Figures 3A and 3B the order of image prints – only prints; no multimedia media. Indeed, the title of *Redd* is “Backprinting Image Prints” (emphasis added). Thus, even if, for argument purposes only, *Anderson* was combined with *Redd* as suggested in the Office Action, the present invention would not result.

Since neither of the cited references teach or disclosure claimed features of the present invention, Claim 1 is not obvious, and therefore believed to be patentable.

With regard to Claims 2-10, these claims are dependent on Claim 1 and therefore include all the features thereof. For the reasons set forth above with regard to Claim 1, Claims 2-10 are also believed to be patentable.

In addition, with specific regard to Claims 6 and 7, *Redd* discloses back-printing information using a bar code (see *Redd* Col 7, line 4). Thus, the bar code is physically associated with the print, and associated with a single print.

With Claims 6 and 7, there is no physical association and the audio may be associated with a plurality of images. Claim 6 recites the step of “using the software program at the first location to include audio material associated with a portion of the plurality of digital images of the multimedia composition” (emphasis added). Claim 7 recites the step of “using the software program at the first location to include textual information with the plurality of digital images to produce the multimedia composition” (emphasis added). These features are not taught or suggested by *Redd*. Since *Redd* does not teach the inclusion of audio material and textual information as part of a multimedia composition as claimed in Claims 6 and 7, Claims 6 and 7 are believed to be patentable.

With regard to independent Claims 11, 21, 22, 32, 33, and 43, the same arguments set forth above with regard to Claim 1 are equally applicable with respect to the rejection of these claims. As such, independent Claims 11, 21, 22, 32, 33, and 43 are believed to be patentable.

Claims 12-20 are dependent on Claim 11, and therefore include all the features thereof. For the reasons set forth above with regard to Claim 11, dependent claims Claim 12-20 are also believed to be patentable.

Claims 23-31 are dependent on Claim 22 and therefore include all the features thereof. For the reasons set forth above with regard to Claim 22, Claims 23-31 are also believed to be patentable.

Claims 34-42 are dependent on Claim 33 and therefore include all the features thereof. For the reasons set forth above with regard to Claim 33, Claims 34-42 are also believed to be patentable.

Claims 44-52 are dependent on Claim 43 and therefore include all the features thereof. For the reasons set forth above with regard to Claim 43, Claims 44-52 are also believed to be patentable.

The same arguments set forth above with regard to Claim 1 are equally applicable with respect to the rejection of Claim 53. Accordingly, Claim 53 is believed to be patentable.

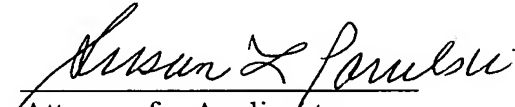
Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,



Attorney for Applicants
Registration No. 39,324

Susan L. Parulski/law
Rochester, NY 14650-2201
Telephone: (585) 477-4027
Facsimile: (585) 477-4646